REMARKS

Claims 1 - 15, 30 - 47, and 50 - 51 are pending. Claims 1, 3, 8, 9, 11, 15, 30, 32,

36, 39, and 43 - 47 have been amended. Claims 48 and 49 have been cancelled.

Claims 50 and 51 have been added. No new matter has been introduced.

Reexamination and reconsideration of this application are respectfully requested.

In the February 23, 2004 Office Action, the Examiner rejected claims 1 - 15 and

30 - 49 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,199,076 to

to Logan et al. ("the Logan reference"). This rejection is respectfully traversed.

Independent claim 1, as amended, recites (with emphasis added):

> 1.   An automatic user preference detection system, comprising:
> a score calculation module to determine a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;
> **a preference determination module, independent of the user computing device, to determine a preference profile for the user of the media content distribution source, the preference profile being based on previously determined media scores for the user and a determination of local media content files stored on the user computing device, wherein the determination of the local media content files stored on the user device occurs when the preference determination module scans the user computing device regardless of whether the user is currently playing the local media content file;**
> a database to store the preference profile for the user of the media content file distribution source; and
> a processing module to modify the preference profile based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

The Logan reference does not disclose, teach, or suggest the automatic user

preference detection system of claim 1, as amended. The Examiner cites the Logan

reference as disclosing the preference determination limitation (highlighted above) at

column 6, lines 38 - 67, column 7, lines 1 - 31, col. 9, lines 31 - 62, column 10, lines 7 -

54, and column 15, lines 1 - 20.

The applicants respectfully disagree that the Logan reference teaches a preference determination module independent of the user computing device that **determines a preference profile for the user of the media content distribution source, the preference profile being based on previously determined media scores for the user and a determination of local media content files stored on the user computing device, wherein the determination of the local media content files stored on the user device occurs when the preference determination module scans the user computing device regardless of whether the user is currently playing the local media content file.**

Instead, the Logan reference teaches, at the locations the Examiner noted, that a host server stores user data and usage log information received from the player (or user computing device). The user data includes preferences, demographic info, and program selections unique to each subscriber which is developed from user-supplied data obtained when users submit HTML form data from the Internet. A download compilation file including a session schedule file is downloaded to the player, where the player may issue download requests for those identified program segment files not available in the player's local storage unit. Usage data is uploaded to the host server. *(Logan, col. 6, line 37 - col. 7, lines 31).*

Col. 9 of the Logan reference discloses that the subscriber may be presented with additional potential selections in a downloaded catalog file. The user can identify selections in the catalog and these are updated with the usage log to the server. Also, a user can utilize search request forms to enable a user to locate remotely stored programming that may be of use to the subscriber. *(Logan, col. 9, lines 31 - 62).* Col.

10 discloses how a subscriber may establish a new account. The user is provided with a web page, which the user fills out by specifying descriptive data about the user and also identifying subject matter of interest to the user. In addition, an HTML form may also be provided which lists available program in a particular subject matter area. (*Logan, col. 10, lines 7 - 54*).

Col. 15 describes the downloading of files not located on the player, where the player may perform a look-ahead operation, by pre-scanning the program sequence file to identify the program segments which are not in local storage and requesting those segments be downloaded. Also disclosed is the tagging of program segments in the usage file which are eligible for replacement if room is necessary for incoming segments. (*Logan, col. 15, 1 - 20*).

None of the above-identified disclosures in the Logan references discloses, teaches, or suggests the determination of a preference profile, the preference profile being based on 1) previously determined media scores **and 2) a determination of local media content files stored on the user computing device, wherein the determination of the local media content files stored on the user computing device occurs when the preference determination module scans the user computing device.** The Logan reference never discloses that **a preference determination module, which is independent of the computing device,** scans the computing device. The Logan reference mentions that a pre-scanning is done by the **user computing device** of a program sequence file, but that pre-scanning is not done by a preference determination module, and it is not done for the determination of a preference profile. Instead of being used **to determine a pref r nce profil** , the pre-

scanning of the program sequence file is performed to download file segments not currently available at the user computing device. Accordingly, applicants respectfully submit that claim 1, as amended, distinguishes over the Logan reference.

Independent claims 9, 30, and 37 recited similar limitations to independent claim 1, as amended. Accordingly, applicants respectfully submit that independent claims 9, 30, and 37 distinguish over the Logan reference for similar reasons as discussed above in regard to independent claim 1, as amended.

Claim 2 - 8, 10 - 15, 31 - 36, 38 - 47 and 50 depend, directly or indirectly, on independent claims 1, 9, 30, and 37. Accordingly, applicants respectfully submit that claims 2 - 8, 10 - 15, 31- 36, 38 - 47, and 50 distinguish over the Logan reference for the same reasons as discussed above in regard to independent claims 1, 9, 30, and 37.

Dependent claim 44 further distinguishes over the Logan reference. Dependent claim 44 recites:

> The automatic user preference detection system according to claim 1, **wherein when the user allows multiple media content files to be played**, in their entirety, for a predetermined length of time by not pressing a media control point, **the score calculation module stops calculating the score for each successive media content file**.

The Logan reference does not disclose, teach, or suggest the system of claim 44, as amended. The Examiner states that column 12, lines 21 - 57, col. 21, lines 63 - 60 (which the applicants believe should be col. 20, lines 60 - 67), and col. 21, lines 1 - 10, discloses when the user allows content file to be play in their entirety, for a predetermined length of time, the score calculation module stops calculating the score for each successive media content file. The Examiner states that stops calculating is anticipated by on "repeat selections ... all episodes ... maybe assigned a higher importance value, and that this indicates that once preferences by user has been

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indicated all related content will carry the same score. *(Office Action, pages 10 - 11).*

The applicants respectfully disagree with the Examiner. Column 12 of the Logan reference discloses the playback operation of the Logan reference player. Columns 20 and 21 disclose that an importance value may be adaptively altered based on the actual use as reflected by usage logs and by subscribers' catalog selections. Columns 20 and 21 also disclose that programs selected and listened to may have importance values increased or if repeat selections are made, then all episodes of a series may be assigned a higher importance value. *(Logan, col. 20, line 60 - col. 21, line 10).* However, this is not the same as letting **media content files play in their entirety by not pressing a user control point (e.g., a skip button) for a predetermined time, and where the score calculation module stops calculating the score for each successive media content file after the predetermined time.**

It is not the same because the Logan reference is not disclosing that the module stops calculating the score for each successive media content file; instead the Logan reference discloses assigning all episodes in a series a high importance value (or score). The present invention, as defined in claim 44, as amended, is not calculating a score (or assigning an importance value) at all because it stops calculating the score. In addition, the Logan reference is disclosing that if a program is listened to, without skipping, it may have its importance values increased. This is in contrast to the system of claim 44 where no value would be calculated if multiple files are allowed to play in their entirety. Accordingly, applicants respectfully submit that claim 44, as amended, distinguishes over the Logan reference.

Dependent claims 45 - 47 recited similar limitations to claim 44, as amended.

Accordingly, applicants respectfully submit that claims 45 - 47 distinguish over the

Logan reference for similar reasons as discussed above in regard to claim 44.

Claim 50 further distinguishes over the Logan reference.

The automatic user preference detection system of claim 1, wherein **the score for the media content file is stored in a temporary storage file and if the user allows multiple media content files to be played**, in their entirety, for a predetermined length of time by not pressing a media control point, **the score for the media content file is not moved to a permanent storage file**.

The Logan reference does not disclose, teach, or suggest the system of claim

50. As discussed above in regard to claim 44, the Logan reference does not disclose

the discarding or not moving of a score for a media content file into a permanent

storage file. Accordingly, claim 50 distinguishes over the Logan reference.

New Independent claim 51 distinguishes over the Logan reference and other

previously cited references.

An automatic user preference detection system, comprising:
    a preference determination module to create an initial preference profile for a user of a media content distribution source, the preference profile being based on the user's answers to preliminary questions submitted to the automatic user preference detection system and **a determination of local media content files stored on the user computing device, wherein the determination of the local media content files stored on the user device occurs when the preference determination module scans the user computing device;**
    a database to store the initial preference profile for the user of the media content file distribution source; and
    a processing module to select a media content file to distribute to the user based on the initial preference profile.

The Logan reference discloses only the supplying of personal information and

initial programming preferences during an account initialization procedure. The

subscriber fills out HTML forms and submits these forms to the server. The subscriber

may also request and be presented with an HTML form which lists available programs

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in particular selected subject mater area, with a priority weighting factor pre-assigned to each. *(Logan, col. 10, lines 7 -- 50).* However, there is no discussion of generating an initial preference profile including scanning of the user computing device to determine local media content files stored on the user computing device because the Logan reference discloses only the completion of HTML forms by the subscriber, which is akin to answering questions. Accordingly, applicants respectfully submit that claim 51 distinguishes over the Logan reference.

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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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